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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,588	10/04/2001	Aleck H. Che-Mponda	83542SLP	1188

7590 03/23/2004

Patent Legal Staff  
Eastman Kodak Company  
343 State Street  
Rochester, NY 14650-2201

EXAMINER

MELWANI, DINESH

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/970,588	<b>Applicant(s)</b> CHE-MPONDA ET AL.	
	<b>Examiner</b> Dinesh N Melwani	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Acknowledgment is made of Applicant's submission of:

Amendment filed on 12/29/2003

The aforementioned item has been noted and officially inserted into the application.

### *Claim Objections*

1. Claim 24 is objected to because of the following informalities: line 3 contains a typo. Appropriate correction is required. The Examiner suggests replacing "protocal" with --protocol--.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Baum (US 2002/0065741). Baum discloses a method and system of ordering a digital image over a communication network (see ¶ 14) comprising the steps of: at a first image system, viewing and selecting at least one digital image (Fig. 5), selecting a digital image service (i.e., printing) to be ordered and generating an image order request comprised of the at least one digital image and order formation which are bundled into a single data file, (see ¶ 14), selecting a second image

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system, remote from the first image system, for providing the digital image service (see ¶ 16), transmitting the image order request over the internet from the first image system to the second image system (see ¶ 16), at the second image system, accessing the at least one digital image and the order information from the image order request (see ¶ 16), and providing the requested digital image service through a common interface. In regards to claims 2, and 18 the requested digital image service comprises incorporating the at least one digital image into an imaging product, and the imaging product is a hard copy image print of the at least one digital image, a digital media containing the at least one digital image, a product that uses the at least one digital image for an end product, a software product comprising the at least one digital image, see ¶ 18. As it concerns claims 3 and 20, the first or second image system is at least one of an image capture device, an imaging kiosk, a person computer, an imaging application station, an image archive, an imaging display station, a digital order fulfillment lab, and a preview and select station, see ¶ 35. In regards to claim 4, the order information comprises at least one of user information, vendor information, product information, source image details, print conditional information, see ¶ 17. As it concerns claims 5 and 6, Baum further discloses the optional step of transmitting the at least one digital image from the second image system to a third image system, i.e., prior to printing (the third image system) the order is divided into sub orders sent to differing recipients. Furthermore, as disclosed the process may be performed by a single system or by different systems. In regards to claim 7, the requested digital image service comprises producing an edited digital image, and the method further comprises the step of selecting the digital image service to be ordered for the edited digital image and generating the image order request without having to resend a digital image in the image order request, see ¶ 19. Additionally, once the user

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in Baum uploads the digital image there is no need to resend a digital image. In regards to claim 8, Baum's first system is a client and the second image system is a server. As it concerns claims 9, 10, 11, 12, Baum discloses communication of information from the first image system to the second and back to the first image system, see ¶ 17. In regards to claims 13 and 21, Baum discloses a digital image file, wherein said digital image file is necessarily created by at least one of a digital camera, a video camcorder, a scanner, and fax machine. As it concerns claim 14 and 22, the imaging display station is at least a television or projection screen, see Fig. 5. In regards to claim 19, Baum discloses transmission of digital images. In regards to claim 25, as shown in Fig. 5's web address line, Baum employs a request/response model in a simple object access protocol layer using extensible markup language over HyperText Transport Protocol.

#### ***Response to Arguments***

4. Applicant's arguments filed on 12/29/03 have been fully considered but they are not persuasive.
5. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DNM

  
ROBERT J. SANDY  
PRIMARY EXAMINER